

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROSALIND HOLMES,
Plaintiff,

Case No. 1:20-cv-825
Hopkins, J.
Litkovitz, M.J.

vs.

UNITED STATES OF AMERICA, *et al.*,
Defendants.

**REPORT AND
RECOMMENDATION**

This matter is before the Court on plaintiff's "Emergency Motion for Injunctive Relief" (Doc. 115) and "Emergency Motion for Leave to File Under Seal" (Doc. 114). Defendant Georgia-Pacific filed a response (Doc. 118), and plaintiff filed a reply in support of her motion for injunctive relief (Doc. 119).

In determining whether to issue a preliminary injunction, this Court must balance the following factors:

1. Whether the party seeking the injunction has shown a "strong" likelihood of success on the merits;
2. Whether the party seeking the injunction will suffer irreparable harm absent the injunction;
3. Whether an injunction will cause others to suffer substantial harm; and
4. Whether the public interest would be served by a preliminary injunction.

Liberty Coins, LLC v. Goodman, 748 F.3d 682, 689-90 (6th Cir. 2014); *Overstreet v. Lexington-Fayette Urban Cty. Gov't*, 305 F.3d 566, 573 (6th Cir. 2002) (citing *Leary v. Daeschner*, 228 F.3d 729, 736 (6th Cir. 2000)). The four factors are not prerequisites but must be balanced as part of a decision to grant or deny injunctive relief. *In re DeLorean Motor Co.*, 755 F.2d 1223, 1229 (6th Cir. 1985). "[A] district court is not required to make specific findings concerning each of the four factors used in determining a motion for preliminary injunction if fewer factors

are dispositive of the issue.” *Jones v. City of Monroe*, 341 F.3d 474, 476 (6th Cir. 2003), *abrogated on other grounds by Lewis v. Humboldt Acquisition Corp.*, 681 F.3d 312 (6th Cir. 2012) (en banc).

“The purpose of a preliminary injunction is to preserve the status quo until a trial on the merits.” *S. Glazer’s Distrib. of Ohio, LLC v. Great Lakes Brewing Co.*, 860 F.3d 844, 848-49 (6th Cir. 2017) (citing *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981)). In deciding if a preliminary injunction is warranted, the Court must “weigh carefully the interests on both sides.” *Lang v. Thompson*, No. 5:10-cv-379, 2010 WL 4962933, at *4 (E.D. Ky. Nov. 30, 2010) (citing *Doran v. Salem Inn, Inc.*, 422 U.S. 922, 931 (1975)). A preliminary injunction is an extraordinary remedy that should only be granted “upon a clear showing that the plaintiff is entitled to such relief.” *S. Glazer’s Distrib. of Ohio, LLC*, 860 F.3d at 849 (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008)); *see also Overstreet*, 305 F.3d at 573.

Plaintiff has not alleged facts sufficient to warrant a preliminary injunction in this case. Plaintiff’s motion pertains to a proposed third amended complaint that is not the operative complaint in this matter. (See Doc. 115 at PAGEID 4807 (“Plaintiff is likely to succeed on the merits of her claims outlined in her Third Amended Complaint. . . .”)). Previous Orders of this Court have limited plaintiff’s lawsuit to her employment discrimination claims against Georgia-Pacific and a related intentional infliction of emotional distress claim (see Doc. 18; Doc. 27 at PAGEID 1553; Doc. 28), and the Court has expressly declined to allow plaintiff to amend her complaint at this time (see Docs. 110, 116).

Even if the Court were to construe plaintiff’s motion for injunctive relief as directed to Georgia-Pacific, the only defendant currently named in this case, the motion simply describes her brief tenure as Georgia-Pacific’s employee in 2019. (See Doc. 115 at PAGEID 4800). This

does not establish a substantial likelihood of success on the merits of plaintiff's claims against Georgia-Pacific. Plaintiff also fails to demonstrate irreparable injury. In plaintiff's motion and reply, she recounts a long history of alleged unlawful behavior by Georgia-Pacific and various other individuals/entities. But these filings fail to explain why irreparable harm is likely to occur without injunctive relief against Georgia-Pacific or why remedies at law are inadequate to redress plaintiff's injuries. *See Colvin v. Caruso*, 605 F.3d 282, 300 (6th Cir. 2010) (quoting *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994)) ("[A] party moving for a preliminary injunction must necessarily establish a relationship between the injury claimed in the party's motion and the conduct asserted in the complaint.").

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's emergency motion for injunctive relief (Doc. 115) be **DENIED**;
2. Plaintiff's emergency motion for leave to file under seal (Doc. 114) be **DENIED as moot**.

Date: 5/28/2024


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned district judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).